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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,630	02/15/2001	Hiroyuki Sano	450100-03009	2715
20999	7590	08/24/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/784,630

Applicant(s)

SANO ET AL.

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed July 5, 2005 have been fully considered but they are not persuasive.

On pages 7-9 applicant argues that Ono et al fails to teach, suggest or fairly disclose the following limitation: "reproducing a number of dummy packets in accordance with the difference between the requested time of arrival written in the header and the cycle time at the time of reception together with the series of data packets" as recited in independent Claim 1. It is noted in paragraphs 0178-0224 that Ono et al discloses the reproducing of dummy packets, which are dependent on the time difference of the header and the cycle time. Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ono et al (US 2003/0194037).

**[claims 1 & 4]**

In regard to Claims 1 and 4, Ono et al discloses a method of processing data packets, comprising the steps of:

- receiving a series of data packets transmitted over a serial bus (Figure 11 shows the receiving of data packets through IEEE 1394 serial bus 15);
- with respect to said series of data packets, taking the difference between a requested time of arrival written in a header portion and the cycle time at the time of reception thereby deriving a relative value between said requested time of arrival and said cycle time (Paragraphs 0012 and 0018 describes the method of determining the difference between the requested time of the arrival and the cycle time and thereby calculates the difference of the time);
- replacing said requested time of arrival with said relative value (Paragraph 0012 further describes that the newly calculated time value is replaces the time arrival value); and
- reproducing a number of dummy packets in accordance with the difference between the requested time of arrival written in the header and the cycle time at the time of reception together with the series of data packets (Paragraph 087-0224 describes the reproducing of dummy packets in relation to the arrival time and cycle time).

**[claims 2, 7, & 9]**

In regard to Claims 2, 7 and 9, Ono et al discloses a method of processing data packets

wherein said calculation step, difference and summation, and said replacing step are skipped when said series of data packets is directed to a storage medium in which data storage is based on said cycle time, and are performed when said series of data packets is directed to a storage medium in which data storage is not based on said cycle time (Paragraph 0011-0014 describes the processing of data packets wherein the calculation of a relative value between the requested time of arrival and cycle time is skipped and the data is sent to a buffer storage for further processing).

**[claim 3]**

In regard to Claim 3, Ono et al discloses a method of processing data packets compatible with a plurality of data types including a series of data packets in which a header portion is given to each of the data packets, and a series of data packets in which a header portion is given only to the data packet at the beginning thereof (Figure 6 shows the processing of data packets with a header portion given to some data packets while Figure 7 shows the specific details of the header packet and furthermore describes what packets are given header information and what packets are not given the information as described in Paragraphs 0082-0083).

**[claim 5]**

In regard to Claim 5, Ono et al discloses a video recording apparatus according to wherein a dummy packet is generated in a range in which data is absent, and all the stream packets including the dummy packet are recorded so that the relative value between the requested time of arrival and the cycle time is obtained (Paragraphs 0187

through 0224 describes the generation of dummy packets that are generated when data is absent and all other data packets have been calculated and recorded).

**[claims 6 & 8]**

In regard to Claim 6, Ono et al discloses a method of processing data packets, comprising the steps of:

- with respect to a series of data packets, taking the sum of a relative value, which is written in a header portion, between a requested time of arrival and a cycle time at the time of reception, and a cycle time at the time of transmission (Paragraph 0018 describes the calculation of the time interval, cycle time of reception and the cycle time of transmission (output)) ;
- replacing said relative value with said sum (Paragraph 0018 further describes replacing the relative value with the new calculated value); and
- transmitting said series of data packets over a serial bus (Paragraph 0018 describes the transmission of the newly determined data packets).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent  
08/17/05

  
ROBERT CHEVALIER  
PRIMARY EXAMINER